

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number

10/520,252

Filing Date

Int'l. Filing Date: 15 August 2002

First Named Inventor

Nigel Hacker

Art Unit

Unknown

Examiner Name

Unknown

Attorney Docket Number

30-4333 US -4780 / H9930-4505

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):Response to Decision on Petition Under 37
CFR 1.47(a)

Remarks

RECEIVED
23 OCT 2006
Legal Staff
International Division**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Buchalter Nemer, A Professional Law Corporation

Signature

Printed name

Sandra P. Thompson

Date

September 28, 2006

Reg. No.

46,264

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Collene Houston

Date

September 28, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **Hacker et al.**

Serial No: **10/520,252**

Filed: **August 15, 2002**

For: **NANOPOROUS MATERIALS AND
METHODS OF FORMATION
THEREOF**

Examiner: **Not Assigned Yet**

Art Unit: **Not Assigned Yet**

RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(A)

This document responds to the Decision on Petition Under 37 CFR 1.47(a) issued by the USPTO on July 28, 2006.

The Decision on Petition states that the Declaration filed 22 June 2006 with the Renewed Petition executed by Scott Lefferts is defective and insufficient to satisfy the oath or declaration requirement of 37 CFR 371(c)(4) for entry into the national stage in the United States of America because the Declaration submitted contains an alteration that was not initialed and dated by the inventor. The Declaration had been altered to correct the spelling of Scott Lefferts' last name.

In response to the Decision on Petition, applicant herewith submits a new Declaration signed by Scott Lefferts with no alterations and with his last name spelled correctly. It is respectfully requested that the Petitions Attorney review this document and reconsider his position on the Renewed Petition.

Dated: _____

9/28/2006

Respectfully submitted,

Buchalter Nemer, A Professional Corp.

By: _____

Sandra P. Thompson

Sandra P. Thompson, PhD, Esq.

Reg. No. 46,264

E-mail: sthompson@buchalter.com

Direct Line: 949-224-6282

ATTORNEYS FOR APPLICANT(S):

18400 Von Karman Ave, Suite 800
Irvine, CA 92612
Fax : 949-224-6203